

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.M. Nos. 11317-CI, 10070-CI and 10071-CI of 2019 in/and
RFA No. 1267 of 2014
Date of decision: 13.01.2020

Ramphal (D) through L.Rs.

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Shiv Kumar, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 11317-CI of 2019

Application for placing on record Will dated 25.08.2008 is allowed, subject to all just exceptions.

Will is taken on record.

C.M. No. 10070-CI of 2019

Application has been filed for bringing on record legal representatives of the deceased-appellant namely Ramphal who is stated to have died on 14.06.2015. The details of legal representatives have been mentioned in para no. 2 of the application. The applicants have claimed such right on the basis of a Will dated 25.08.2008, which is being now placed on record vide *C.M. No. 11317-CI of 2019*. It has further been submitted that there are no other legal representatives of the deceased-appellant except the ones mentioned in the above said para. The application is supported by affidavit of Subhash Chander, son of the deceased-appellant.

Accordingly, the application is allowed without commenting on the validity and veracity of the Will dated 25.08.2008. Persons mentioned in para no. 2 of the application are allowed to be brought on record as legal representatives of the deceased-appellant only for the purpose of pursuing the present appeal. The present order shall not ensure any benefit in any other set of proceedings.

C.M. No. 10071-CI of 2019

Application has been filed for restoring the main appeal to its original number and for re-decision of the same in terms of the order passed by the Apex Court dated 16.09.2015 and the judgment passed in ***RFA No. 7108 of 2012, Rampal and others (II) vs. Land Acquisition Collector*** decided on 31.05.2019.

Keeping in view the fact that the appeal was disposed of in terms of the order passed at the first instance in ***Rampal and others vs. Land Acquisition Collector and another*** dated 16.09.2015 and since the matter has been remanded to this Court for fresh decision which has been done in *Rampal and others (II) case (supra)*, the application is liable to be allowed.

Accordingly, the order dated 16.09.2015 is recalled.

Main Appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (in short 'the Act') is directed against the award of the Reference Court, Faridabad dated 27.02.2013 for the land falling in village Neemka acquired vide notification dated 14.08.2008. The Reference Court has awarded a sum of Rs.1,052/- per square yard on the basis of award dated 22.01.2013 bearing LAC No. 1192 dated 23.09.2011 titled as Dushyant Kumar and another vs. State of Haryana and other awards. The impugned award dated 27.02.2013 was subject matter of consideration in *Rampal and others (II) case (supra)* and the market value has been assessed at Rs.1,760/- per square yard (Rs.85,18,400/- per acre). The relevant portion reads thus:-

“199. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

(i) For the first notification dated 01.05.2006, for the land of village Sihi, which was falling within the limits of Municipal Corporation, Faridabad, the market value would be Rs.1351/- per square yard (Rs.65,38,840/- per acre). The market value is fixed @ Rs.1229/- per square yard (Rs.59,48,360/- per acre) for villages Badoli/Baroli, Sihi, Murtazapur, Pehladpur and

Bhatola, not falling in the municipal limits.

(ii) For the second notification dated 07.02.2008, the market value for the villages Bhatola, Murtazapur and Badoli/Baroli, is fixed @ Rs.1551/- per square yard (Rs.75, 06, 840/- per acre) and for other three villages i.e. Fajjupur Majra Neemka, Neemka, Faridpur, the market value is fixed @ Rs.1410/- per square yard (Rs.68,24,400/- per acre).

(iii) For the third notification dated 14.08.2008, the market value is fixed @ Rs.3300/- per square yard (Rs.1,59,72,000/- per acre) for the land falling within the limits of Municipal Corporation, Faridabad of villages Budhena, Baselwa and Mawai. For the other land of the said villages, the market value is fixed @ Rs.2970/- per square yard (Rs.1,43,74,800/- per acre).

*(iv) For the land falling in villages Badoli/Baroli, Pehladpur and Wazirpur, for the notification dated 14.08.2008, the market value is fixed @ Rs.2129/- per square yard (Rs.1,03,04,360/- per acre). For the lands of villages Palwali, Badshahpur, Bhatola and Murtazapur the market value is fixed @ Rs.1936/-per square yard (Rs.93,70,240/- per acre). And for the land falling in the last belt of the notification dated 14.08.2008 in villages **Neemka, Fajjupur Majra Neemka**, Kheri Khurd, Faridpur, Kheri Kalan, Bhupani, Riwaypur and Tikawali, the market value is fixed @ **Rs.1760/- per square yard (Rs.85,18,400/- per acre).***

Accordingly, the present appeal is also disposed of in the same terms.

13.01.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No